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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,598	02/11/2002	Nicole Beaulieu	29757/P-576	5942

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EXAMINER	
MOSSER, ROBERT E	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,598	BEAULIEU, NICOLE	
	Examiner	Art Unit	
	Robert Mosser	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

♦

In response to amendment filed June 7th, 2004.

Claims 1-45 are pending.

This action is final.

♦

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8, 9, 12-14, 17-20, 23-25, 28-30, 33-35, 38-41, 43, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (US 6,093,102).

Regarding claims 1, 7, 12, 18, 23-25, 33, 39, 41 Bennett teaches a video slot game apparatus including a display unit capable of displaying video images (Col 3:15-25), a value input device (Fig 5 and Col 3:29-34), and a controller incorporating a processor operable connected to memory (understood as functionally required in the machine of Bennett). The controller configured so as to allow a user to place a wager on the occurrence or start of the wagering game (Fig 5 and Col 3:29-34), a controller selecting a gaming option automatically from a plurality of user-selectable options if the

user requests the controller to do so through not selecting an option (Col 4:30-33), display a video image including a plurality of simulated wheels (Col 3:15-25), and determine the value of payout associated with the outcome of the game (Col 1:26-31).

Regarding claims 2, 3, 6, 13, 14, 17, 34, 35, 38, 43, and 45, and in addition to the above stated, Bennett teaches the default pay line selection of a center line which a player may then decide to alter using the device inputs (Col 4:28-38). The automated selection is limited to the features present in the game of Bennett, and as such is "dependent upon parameters of the selected game" by definition.

Regarding claims 8, 19, and 40, in addition to the above stated. The game of Bennett provides the player the option of the feature inherently, as the user is not forced or required to use the feature and thus provide the user selectable option of playing a video slot machine serves as an inherent feature of the reference discussed above.

Regarding claims 9 and 20, in addition to the above stated. The game of Bennett provides the player with the option to play a wagering game and if the player so chooses to play the wagering game the controller then may be understood to select a video slot machine type of wagering game as so claimed and presented by the Bennett references above.

Regarding claim 30 in addition to the above stated. The slot machine of Bennett teaches the traditional functionality of a slot machine wherein upon the operation by the user the user is presented with a set of symbols (symbols selected by the user) which are understood as being generated by the slot machine based on laws of probability (selection of symbols by the machine) as so claimed (Col 3:5-34).

Claims 7, 18, 23-25, 28-30, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (US 6,093,102 herein referred to as '102).

Regarding claims 7, 18, 23-25, 28, 29, and 39 in addition to the above stated. Bennett teaches a game apparatus including a display unit capable of displaying video images (Col 3:15-25), a value input device (Fig 5 and Col 3:29-34), and a controller incorporating a processor operable connected to memory (understood as functionally required in the machine of Bennett). The controller configured so as to allow a user to place a wager (Fig 5 and Col 3:29-34), select a gaming option automatically from a plurality of user-selectable options ('Col 4:30-33), display a video image including a plurality of simulated wheels (Col 3:15-25), and determine the value of payout associated with the outcome of the game ('Col 1:26-31). Bennett teaches the default pay line selection of a center line which a player then decide to alter using the device inputs (Col 4:28-38).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, 15, 26, 36, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,093,102) as applied to claims 1,12, 33, and 41 above, and in further view of Mayeroff US 6,231,442)

In addition to the above stated Bennett teaches a multi-line slot machine but is silent on the incorporation of an associated secondary game being presented to the user. Mayeroff however, teaches the use of a multi-choice bonus game associated with a primary slot machine wherein a plurality of user selectable options is presented to the user (Figure 3 & Abstract). It would have been obvious to one of ordinary skill in the art at the time of invention have incorporated the bonus feature of Mayeroff in the multi-line slot game of Bennett in order to increase player appeal of the machine through the incorporation of a secondary game as taught by Mayeroff (Col 2:66-3:6).

Claims 5, 16, 27, 37, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,093,102 herein referred to as '102) as applied to

claims 1,12, 23, 33, and 41 above, and in further view of Bennett (US 6,261,178 herein referred to as '178)

Bennett is silent regarding the use of random selection with regards to choosing the pay line on a video slot machine in the '102 reference. However Bennett teaches the use of randomly selected pay lines as a "mystery line" feature in a reeled slot machine (Col 2:1-30). It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the mystery line feature of Bennett in the slot machine of Bennett as disclosed above in order to increase the players enjoyment through the providing of an additional means of winning.

Claims 10, 11, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,093,102) as applied to claims 1,12, 33, and 41 above, and in further view of Walker et al (US 6,001,016 herein referred to as '016)

Bennett is silent regarding the use of the Internet as so claimed. However Walker et al does teach the inclusion of the internet for maintaining a network of slot machine servers (Col 3:60-67). It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the internet network of Walker at al in the slot machine of Bennett in order to allow the devices of Bennett communicate service requirements over great distances or alternative participate in pari-mutuel pool type game.

Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,093,102 herein referred to as '102) as applied to claims 32 above, and in further view of Walker et al (US 6,001,016 herein referred to as '016)

Bennett is silent regarding the use of the Internet as so claimed in the '102 reference. However Walker et al does teach the inclusion of the internet for maintaining a network of slot machine servers (Col 3:60-67). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the internet in a slot machine network as taught by Walker et al in the slot machine network of Bennett in order to allow remote monitoring of the machines.

Response to Arguments

Applicant's arguments filed June 7th, 2004 have been fully considered but they are not persuasive.

The applicant argues that a "default" selection by the invention of Bennett is separate and distinct from the claimed player making the request for an automated selection.

The examiner is not persuaded by this argument presently as the choice of a player not to select an option may be well understood as the player requesting the automatic selection. The heart of the issue is the fact that both systems provide an automated selection based on the action (and equivalent lack of action) by the user, hence providing equivalent function as so claimed.

The applicant argues in similar fashion that the data received relating to a request from a person is separate from a default selection made in absence of a player selection. As mentioned above however, the choice of a player to or alternatively not to make a selection from a plurality of user selections is perceived by the gaming machine and interpreted by the machine as a request from an automated selection.

The segmentation of memory based on the contents thereof is an implicit feature of computing devices wherein the computer executable code or variant thereof stored in a computer readable memory must occupy space within that memory. Any relation to physically configurations presented are seen as equivalent to the generic structure of an addressable memory device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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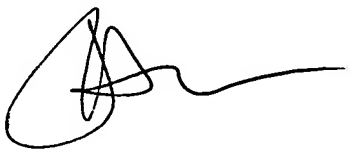

JESSICA HARRISON
PRIMARY EXAMINER